Remarks

Status of Claims

The application has been amended. Independent claim 5 has been amended. Claims 1-11 are currently pending and claims 12-27 have been withdrawn. Reconsideration is respectfully requested.

Elections/Restrictions

The application is subject to a restriction requirement. The Examiner requires restriction among the species of the claimed invention as shown in Groups I, claims 1-11, drawn to an endovascular prosthesis having a patch, classified in class 606, subclass 215; Group II, claims 12-14 and 18-22, drawn to a multi-component prosthesis classified in class 623, subclass 1.15; and Group III, claims 15-17 and 23-27, drawn to a bifurcated prosthesis, classified in class 623, subclass 1.35.

Applicant confirms the previous election to prosecute Group I, claims 1-11. However, Applicant reserves the right to prosecute the non-elected claims of Groups II and III at a later date.

Section 102 Rejections

Claims 1-4 have been rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,254,133 to Seid ("Seid"). This rejection is respectfully traversed as Seid fails to disclose every element of the present claims.

Seid discloses an implantable device including a plug 66, and two patches 62 and 64 which together are used to seal and repair a hole in the wall of a body cavity such as an inguinal hernia. The plug 66 seals a damaged portion of fascia tissue and the patches (62 and 64) hold the plug in place.

The present invention provides a tubular endovascular prosthesis with a patch that include corresponding hooks and loops or a patch which form a substantially fluid tight seal when engaged. The prosthesis includes a device for repairing a damaged endovascular prosthesis *in situ*.

Seid fails to disclose an endovascular prosthesis. The term "endovascular" is well-known to refer to the inside of a vessel including veins and arteries. However, the term endovascular is clearly not synonymous with implantable as used in Seid. The implantable device in Seid cannot be used endovascularly. The implantable device in Seid is used to repair fascia tissue forming the wall of a body cavity and the plug 66, also referred to as a locating member 36 by Seid may be solid, column 7, line 35. Placing a solid plug in a vein or artery is clearly contrary to the purpose of the present invention.

Therefore, reconsideration and withdrawal of the Section 102 rejections in view of Seid are appropriate and respectfully requested.

Claims 2-4 all depend directly or indirectly from claim 1 and are therefore also believed to be patentably distinct.

Claims 5-11 have been rejected as anticipated by U.S. Patent No. 6,485,524 to Strecker ("Strecker"). This rejection is respectfully traversed.

Claim 5 has been amended to more clearly set forth the subject matter of the invention. Applicant respectfully submits that these amendments obviate the rejections under Section 102. With respect to independent claims 5, the rejections under Section 102 are respectfully traversed on the grounds that Strecker does not disclose every element of the claim.

In the Final Office Action dated April 20, 2004, the Examiner points out that she does not correlate the filaments of Strecker to a prosthesis which was previously only in the preamble of claim 5, but is now included in the body of the claim. Further, the Examiner has pointed out that the Applicant did not previously claim a particular structure for the endovascular member to distinguish it from the arguably endovascular members of Strecker. Claim 5, now requires a tubular endovascular prosthesis and a patch which are clearly not provided by Strecker.

Strecker discloses a stent which includes two separate filaments for the preparation of one longitudinal section of a stent. Individually, each filament is a not tubular structure, but to the contrary has "a nearly one-dimensional structure." Column 2, line 47. The combination of the filaments is required *in situ* to provide a single tubular endovascular prosthesis. Strecker's goal is to provide a stent with improved stability and flexibility which he attempts to achieve through the combination of at least two opposed spirals. See Abstract.

Claim 5 of the present invention is directed to a method of repairing a damaged area of endovascular prosthesis. The method includes applying a patch which includes either a hook or loop structure to a tubular endovascular prosthesis having either a hook or loop structure cooperative with the hook or loop structure of the patch which is positioned within a body lumen. Neither of the filaments as provided by Strecker operates individually as an endovascular prosthesis. As is pointed out above, the combination of filaments in Strecker is what provides an

endovascular prosthesis. There is no disclosure, teaching or suggestion in Strecker of a method of repairing a damaged section of endovascular prosthesis. Strecker therefore fails to disclose every element of claim 5 and reconsideration and withdrawal of the rejection are respectfully requested.

Claims 6-11 all depend directly or indirectly from claim 5 and are therefore also believed to be patentably distinct.

Having responded in full to the present Office Action it is respectfully submitted that the application including claims 1 through 11 is in condition for allowance. Favorable action thereon is respectfully solicited.

Should the Examiner have any questions regarding this amendment, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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